



12-29-00

PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 112]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets 34 ]
5. Oath or Declaration [ Total Pages 2 ]
  - a.  Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 17 completed)
  - b.  i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation    Divisional    Continuation-in-part (CIP)

of prior application No. \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_

Group / Art Unit \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

|  |  |                                   |              |   |
|--|--|-----------------------------------|--------------|---|
| <input type="checkbox"/> Customer Number or Bar Code Label | [Redacted]   |                                   |              | or <input checked="" type="checkbox"/> Correspondence address below |
| Name   | Richard C. Auchterlonie                              |                                   |              |   |
| Address  | Howrey Simon Arnold & White, LLP<br>750 Bering Drive |                                   |              |   |
| City   | Houston  | State                             | Texas        | Zip Code 77057-2198   |
| Country  | United States  | Telephone                         | 713-787-1400 | Fax 713-787-1440  |
| Name (Print/Type)  | Richard C. Auchterlonie                              | Registration No. (Attorney/Agent) | 30,607       |   |
| Signature  | <i>Richard C. Auchterlonie</i>                       |                                   |              | Date 27 Dec 2000  |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

jc825 U.S. PTO  
09/750565  
12/28/00

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 768.00)

## Complete if Known

|                      |                   |
|----------------------|-------------------|
| Application Number   |                   |
| Filing Date          |                   |
| First Named Inventor | Seyfullah H. Oguz |
| Examiner Name        |                   |
| Group Art Unit       |                   |
| Attorney Docket No.  | EMCR:070          |

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **05-0889**

Deposit Account Name **EMC CORPORATION**

Charge Any Additional Fee Required Under 37 CFR 1.18 and 1.17

Applicant claims small entity status See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description  | Fee Paid |
|--------------|--------------|---------------|---------------|--|----------|
| 105          | 130          | 205           | 65            | Surcharge - late filing fee or oath  |          |
| 127          | 50           | 227           | 25            | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139          | 130          | 139           | 130           | Non-English specification  |          |
| 147          | 2,520        | 147           | 2,520         | For filing a request for ex parte reexamination                            |          |
| 112          | 920*         | 112           | 920*          | Requesting publication of SIR prior to Examiner action                     |          |
| 113          | 1,840*       | 113           | 1,840*        | Requesting publication of SIR after Examiner action                        |          |
| 115          | 110          | 215           | 55            | Extension for reply within first month                                     |          |
| 116          | 390          | 218           | 195           | Extension for reply within second month                                    |          |
| 117          | 890          | 217           | 445           | Extension for reply within third month                                     |          |
| 118          | 1,390        | 218           | 695           | Extension for reply within fourth month                                    |          |
| 128          | 1,890        | 228           | 945           | Extension for reply within fifth month                                     |          |
| 119          | 310          | 219           | 155           | Notice of Appeal   |          |
| 120          | 310          | 220           | 155           | Filing a brief in support of an appeal                                     |          |
| 121          | 270          | 221           | 135           | Request for oral hearing   |          |
| 138          | 1,510        | 138           | 1,510         | Petition to institute a public use proceeding                              |          |
| 140          | 110          | 240           | 55            | Petition to revive - unavoidable   |          |
| 141          | 1,240        | 241           | 620           | Petition to revive - unintentional   |          |
| 142          | 1,240        | 242           | 620           | Utility issue fee (or reissue)   |          |
| 143          | 440          | 243           | 220           | Design issue fee   |          |
| 144          | 600          | 244           | 300           | Plant issue fee  |          |
| 122          | 130          | 122           | 130           | Petitions to the Commissioner  |          |
| 123          | 50           | 123           | 50            | Petitions related to provisional applications                              |          |
| 126          | 240          | 126           | 240           | Submission of information Disclosure Stmt                                  |          |
| 581          | 40           | 581           | 40            | Recording each patent assignment per property (times number of properties) | 40       |
| 146          | 710          | 246           | 355           | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149          | 710          | 249           | 355           | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179          | 710          | 279           | 355           | Request for Continued Examination (RCE)                                    |          |
| 169          | 900          | 169           | 900           | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

SUBTOTAL (3) (\$ 40)

Reduced by Basic Filing Fee Paid

## SUBMITTED BY

## Complete if applicable

|                   |                                |                                   |        |           |                  |
|-------------------|--------------------------------|-----------------------------------|--------|-----------|------------------|
| Name (Print/Type) | Richard C. Auchterlonie        | Registration No. (Attorney/Agent) | 30,607 | Telephone | 713-787-1698     |
| Signature         | <i>Richard C. Auchterlonie</i> |                                   |        |           | Date 27 DEC 2000 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

|                      |                                  |
|----------------------|----------------------------------|
| First Named Inventor | SEYFULLAH H. OGUZ                |
| Title                | Adaptive bit rate control for... |
| Atty Docket Number   | EMCR:070                         |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

27 December 2000

Date

*Richard C. Auchterlonie*

Signature Reg. 30,607

**RICHARD C. AUCHTERLONIE**

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**